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**PATENT**  
(Docket No. IN-5453)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Horst HINTZE-BRÜNING et al.

Serial No.: 09/762,030

Filed: March 2, 2001

For: Film and the Use Thereof for Coating  
Shaped Parts

Group Art Unit: 1774

Examiner: Lawrence D. Ferguson

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6-23-2004

Date

  
Michael Morgan

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**APPEAL BRIEF**

**TABLE OF CONTENTS**

Real Party in Interest.....	2
Related Appeals and Interferences.....	2
Status of the Claims.....	2
Status of Amendments.....	2
Summary of the Invention.....	2
Issues.....	2
Grouping of the Claims.....	2
Argument.....	3
Appendix (Claims Involved in this Appeal).....	4

**REAL PARTY IN INTEREST**

The real party in interest in this appeal is BASF Coatings Aktiengesellschaft by virtue of an assignment, which was recorded at Reel/Frame: 011585/0582 on March 2, 2001.

**RELATED APPEALS AND INTERFERENCES**

There are no other related appeals or interferences.

**STATUS OF THE CLAIMS**

Claims 1-4, 6-11, 13-16, and 18 are pending in this application, and all of these claims stand rejected. Claims 1-4, 6-11, 13-16, and 18 are appealed.

**STATUS OF AMENDMENTS**

No amendments to the claims have been filed after the mailing of the final rejection.

**SUMMARY OF THE INVENTION**

The present invention is directed to a laminatable film that has a film as the substrate ("the support layer") that has a film thickness of between 10 and 1000 $\mu$ m and has the ability to be rolled up (flexibility). One or more coating layers are on this film. In the method of using the film, the film is applied to an article to provide a coating on the article. This method allows for coatings to be applied to films rather than applying coatings directly to articles.

**ISSUES**

Is the claimed substrate, which is a film having a thickness of between 10 and 1000 $\mu$ m and has the ability to be rolled up, obvious in view of EP844286, which does not disclose or suggest substrates in the form of films?

**GROUPING OF THE CLAIMS**

Claims 1-4, 6-10, 13-15, and 18 do stand or fall together and claims 11 and 16 do stand or fall together.

**ARGUMENT**

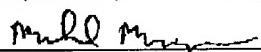
In the claimed invention, the "support layer" is a film that has a film thickness of between 10 and 1000 $\mu$ m and has the ability to be rolled up (a flexibility property). One or more coating layers are coated on the support layer.

The substrates disclosed in EP844286 are described on page 12, lines 5-22. While the substrates can be plastic, the only disclosure of the form of the plastic substrates are in automotive parts (page 12, lines 11-13). There is no disclosure or suggestion of providing the plastic substrates in the form of a film.

The argument that the thickness of the support layer could be optimized applies if and only if the cited reference disclosed a film structure. If a film were disclosed, then the argument about optimizing the film thickness might apply. But EP844286 does not disclose or suggest a film. Because a film structure is not disclosed or suggested, there can be no optimization of a property of a film, e.g., its thickness. What is being suggested by the argument of optimizing film thickness is a transformation of a structure into a structure that is not disclosed or suggested by the reference. This is similar to a reference disclosing a bread box, and then asking that the bread box be pressed into a foil. There is no motivation in EP844286 to transform the disclosed substrates into a film. Because there is no disclosure or suggestion of the "support layer" for the coating layer as claimed, it is respectfully submitted that claims 1-4, 6-11, 13-16, and 18 are patentable over EP844286.

FOR THESE REASONS, Applicants respectfully petition this Honorable Board to reverse the rejection set forth by the Examiner. Should the Board have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

  
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Date: 23 June 2004

## APPENDIX

## CLAIMS INVOLVED IN THIS APPEAL

1. (Previously Presented) A laminatable film comprising at least one support layer and one or more coating layers, wherein the support layer is coated with at least one of the one or more coating layers, the support layer has a film thickness of between 10 and 1000  $\mu\text{m}$  and is selected from the group consisting of a thermoplastic film, a coated thermoplastic film, and a self-supporting paint film, at least one of the one or more coating layers comprises a thermally curable powder coating or a thermally curable powder coating dispersion, and the claimed film can be rolled up.
2. (Previously Presented) The film of claim 1, wherein at least one member selected from the group consisting of the thermally curable powder coating, the thermally curable powder coating dispersion, and a polymer in the powder coating or the powder coating dispersion, has a melting point of from 50 to 150°C.
3. (Previously Presented) The film of claim 1, wherein the thermally curable powder coating or the thermally curable powder coating dispersion is present in the form of a sintered, partially crosslinked and/or dried layer.
4. (Previously Presented) The film of claim 1, wherein at least one of the one or more coating layers results from the application of a liquid coating.
5. (Canceled)
6. (Previously Presented) The film of claim 1, wherein at least one of the one or more coating layers comprises a surfacer composition.

7. (Previously Presented) The film of claim 1, wherein a removable film has been applied to the at least one coating layer comprising a thermally curable powder coating or a thermally curable powder coating dispersion.
8. (Previously Presented) The film of claim 1, wherein
  - the support layer has a thickness of from 10 to 1 000  $\mu\text{m}$ ,
  - the layer based on a liquid coating material has a thickness of from 15 to 200  $\mu\text{m}$ , and
  - the at least one coating layer comprising a thermally curable powder coating or a thermally curable powder coating dispersion has a thickness of from 30 to 200  $\mu\text{m}$ .
9. (Previously Presented) A process for producing a coated film of claim 1, comprising applying a thermally curable powder coating or a thermally curable powder coating dispersion to a support layer or to one or more layers comprising a liquid coating, partially sintering the thermally curable powder coating or drying the thermally curable powder coating dispersion, and, if desired, applying a removable film.
10. (Previously Presented) A molding coated with a film of claim 1.
11. (Previously Presented) A method of coating moldings, comprising applying a film of claim 1 and crosslinking the at least one layer comprising the thermally curable powder coating or the thermally curable powder coating dispersion.
12. (Canceled)
13. (Previously Presented) The film of claim 2, wherein at least one member selected from the group consisting of the thermally curable powder coating, the thermally curable

powder coating dispersion, and a polymer in the powder coating or the powder coating dispersion, has a melting point of from 70 to 100°C.

14. (Previously Presented) The film of claim 1, wherein the support layer to be coated with the one or more coating layers is a thermoplastic.
15. (Previously Presented) The film of claim 8, wherein
  - the support layer has a thickness of from 10 to 500 µm,
  - the layer based on a liquid coating material has a thickness of from 50 to 100 µm, and
  - the at least one coating layer comprising a thermally curable powder coating or a thermally curable powder coating dispersion has a thickness of from 50 to 100 µm.
16. (Previously Presented) The method of claim 11 wherein crosslinking occurs by means of heat supply or radiation.
17. (Canceled)
18. (Previously Presented) The film of claim 1 which is thermoformable.

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Real Party in Interest.....	2
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Status of the Claims.....	2
Status of Amendments.....	2
Summary of the Invention.....	2
Issues.....	2
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**RELATED APPEALS AND INTERFERENCES**

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**STATUS OF THE CLAIMS**

Claims 1-4, 6-11, 13-16, and 18 are pending in this application, and all of these claims stand rejected. Claims 1-4, 6-11, 13-16, and 18 are appealed.

**STATUS OF AMENDMENTS**

No amendments to the claims have been filed after the mailing of the final rejection.

**SUMMARY OF THE INVENTION**

The present invention is directed to a laminatable film that has a film as the substrate ("the support layer") that has a film thickness of between 10 and 1000 $\mu$ m and has the ability to be rolled up (flexibility). One or more coating layers are on this film. In the method of using the film, the film is applied to an article to provide a coating on the article. This method allows for coatings to be applied to films rather than applying coatings directly to articles.

**ISSUES**

Is the claimed substrate, which is a film having a thickness of between 10 and 1000 $\mu$ m and has the ability to be rolled up, obvious in view of EP844286, which does not disclose or suggest substrates in the form of films?

**GROUPING OF THE CLAIMS**

Claims 1-4, 6-10, 13-15, and 18 do stand or fall together and claims 11 and 16 do stand or fall together.

**ARGUMENT**

In the claimed invention, the "support layer" is a film that has a film thickness of between 10 and 1000 $\mu$ m and has the ability to be rolled up (a flexibility property). One or more coating layers are coated on the support layer.

The substrates disclosed in EP844286 are described on page 12, lines 5-22. While the substrates can be plastic, the only disclosure of the form of the plastic substrates are in automotive parts (page 12, lines 11-13). There is no disclosure or suggestion of providing the plastic substrates in the form of a film.

The argument that the thickness of the support layer could be optimized applies if and only if the cited reference disclosed a film structure. If a film were disclosed, then the argument about optimizing the film thickness might apply. But EP844286 does not disclose or suggest a film. Because a film structure is not disclosed or suggested, there can be no optimization of a property of a film, e.g., its thickness. What is being suggested by the argument of optimizing film thickness is a transformation of a structure into a structure that is not disclosed or suggested by the reference. This is similar to a reference disclosing a bread box, and then asking that the bread box be pressed into a foil. There is no motivation in EP844286 to transform the disclosed substrates into a film. Because there is no disclosure or suggestion of the "support layer" for the coating layer as claimed, it is respectfully submitted that claims 1-4, 6-11, 13-16, and 18 are patentable over EP844286.

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Respectfully submitted,

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Michael F. Morgan, Esq. (Reg. No. 42,906)  
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BASF Corporation  
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Southfield, MI 48034-2442  
Date: 23 June 2004

## APPENDIX

## CLAIMS INVOLVED IN THIS APPEAL

1. (Previously Presented) A laminatable film comprising at least one support layer and one or more coating layers, wherein  
the support layer is coated with at least one of the one or more coating layers,  
the support layer has a film thickness of between 10 and 1000  $\mu\text{m}$  and is selected from the group consisting of a thermoplastic film, a coated thermoplastic film, and a self-supporting paint film,  
at least one of the one or more coating layers comprises a thermally curable powder coating or a thermally curable powder coating dispersion, and  
the claimed film can be rolled up.
2. (Previously Presented) The film of claim 1, wherein at least one member selected from the group consisting of the thermally curable powder coating, the thermally curable powder coating dispersion, and a polymer in the powder coating or the powder coating dispersion, has a melting point of from 50 to 150°C.
3. (Previously Presented) The film of claim 1, wherein the thermally curable powder coating or the thermally curable powder coating dispersion is present in the form of a sintered, partially crosslinked and/or dried layer.
4. (Previously Presented) The film of claim 1, wherein at least one of the one or more coating layers results from the application of a liquid coating.
5. (Canceled)
6. (Previously Presented) The film of claim 1, wherein at least one of the one or more coating layers comprises a surfacer composition.

7. (Previously Presented) The film of claim 1, wherein a removable film has been applied to the at least one coating layer comprising a thermally curable powder coating or a thermally curable powder coating dispersion.
8. (Previously Presented) The film of claim 1, wherein
  - the support layer has a thickness of from 10 to 1 000  $\mu\text{m}$ ,
  - the layer based on a liquid coating material has a thickness of from 15 to 200  $\mu\text{m}$ , and
  - the at least one coating layer comprising a thermally curable powder coating or a thermally curable powder coating dispersion has a thickness of from 30 to 200  $\mu\text{m}$ .
9. (Previously Presented) A process for producing a coated film of claim 1, comprising applying a thermally curable powder coating or a thermally curable powder coating dispersion to a support layer or to one or more layers comprising a liquid coating, partially sintering the thermally curable powder coating or drying the thermally curable powder coating dispersion, and, if desired, applying a removable film.
10. (Previously Presented) A molding coated with a film of claim 1.
11. (Previously Presented) A method of coating moldings, comprising applying a film of claim 1 and crosslinking the at least one layer comprising the thermally curable powder coating or the thermally curable powder coating dispersion.
12. (Canceled)
13. (Previously Presented) The film of claim 2, wherein at least one member selected from the group consisting of the thermally curable powder coating, the thermally curable

powder coating dispersion, and a polymer in the powder coating or the powder coating dispersion, has a melting point of from 70 to 100°C.

14. (Previously Presented) The film of claim 1, wherein the support layer to be coated with the one or more coating layers is a thermoplastic.
15. (Previously Presented) The film of claim 8, wherein
  - the support layer has a thickness of from 10 to 500 µm,
  - the layer based on a liquid coating material has a thickness of from 50 to 100 µm, and
  - the at least one coating layer comprising a thermally curable powder coating or a thermally curable powder coating dispersion has a thickness of from 50 to 100 µm.
16. (Previously Presented) The method of claim 11 wherein crosslinking occurs by means of heat supply or radiation.
17. (Canceled)
18. (Previously Presented) The film of claim 1 which is thermoformable.

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Michael Morgan

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3. (Previously Presented) The film of claim 1, wherein the thermally curable powder coating or the thermally curable powder coating dispersion is present in the form of a sintered, partially crosslinked and/or dried layer.
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5. (Canceled)
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  - the support layer has a thickness of from 10 to 1 000 µm, ,
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  - the support layer has a thickness of from 10 to 500 µm,
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